

Memorandum

To: ITS Customers Requesting Microsoft Software
From: David C. Johnson
Date: August 8, 2014 (*Updated April 8, 2021*)
Re: Instructions for Use for Microsoft Express Products List (EPL) 3736
CC: ITS Project File Numbers 40638, 42176, 42994, 43793, 45313, 46040

1. Introduction

The Microsoft EPL is the result of a competitive procurement. ITS EPLs are multi-vendor awards that meet Mississippi requirements for legal purchases. Microsoft software procurements made in accordance with this Instructions for Use Memorandum meet all Mississippi purchasing laws and requirements.

The Microsoft EPL is governed under *Procurement Instruments: Express Products Lists (EPLs)* in the ITS Procurement Handbook (Chapter 011-030). The EPL is not to be confused with state contracts issued by Department of Finance and Administration, Office of Purchasing, Travel and Fleet Management (DFA-OPTFM).

2. Scope

2.1 The Microsoft Express Products List (EPL) 3736 may be used in the acquisition of software licenses, software maintenance, software upgrades, software support, training, distribution media, and documentation of Microsoft Licensing Programs.

2.2 Provided below is a list of Microsoft Software Agreements and products covered under EPL 3736.

2.2.1 Microsoft Government Select Plus – Level D (#8448630)

2.2.2 Microsoft Academic Select Plus - Level A (#5941227)

2.2.3 Microsoft Enterprise Agreement (EA) - Level D (#01E73755)

2.2.3.1 ITS has executed this Master Enterprise Agreement on behalf of all Mississippi entities. Each entity acquiring Enterprise licensing under this agreement must complete a

subsequent Enterprise Enrollment document and sign the Program Signature Form. These documents will be supplied by the reseller and are necessary to establish the entity's Enterprise Agreement.

2.2.3.2 An Enterprise Agreement is a three-year contract. If the total three-year cost exceeds the EPL limit of \$500,000, an EPL Planned Purchase must be submitted to ITS for review and to grant additional spending authority.

2.2.4 Microsoft Campus Agreement/Enrollment for Education Solutions (EES) Agreement - This agreement provides annual subscriptions to colleges and universities based on their Full Time Equivalents (FTE) of students and faculty.

2.2.4.1 Consortia Campus Agreement (#01C36077) for all state Institutions of Higher Learning

2.2.5 Microsoft School Agreement - This agreement provides annual subscriptions to K-12 schools based on their number of desktop computers. Some K-12 schools have their own agreements in place.

2.2.6 Microsoft Open License Program (MOLP) for both Government and Academic - The State does not anticipate the need for any MOLP licenses. This EPL would cover that contingency if the need arises.

2.2.7 Microsoft Shrink-wrap Products

2.2.8 Microsoft Media Documentation

3. **EPL Effective Dates**

The Microsoft EPL 3736 was originally valid through November 30, 2016. The expiration date of this EPL has been extended. **The new expiration date is January 7, 2022.**

4. **Who May Use**

4.1 This EPL may be used by Mississippi agencies, universities, community/junior colleges, and governing authorities (cities, counties, school districts, etc.)

4.2 Any entity using this EPL must abide by this Instructions for Use Memorandum even if that entity is not under ITS purview.

4.3 Local governmental entities are able to use the EPL in lieu of conducting their own procurements, based on MS Code 31-7-13(m)(xi) that allows 'governing authorities' to do so as an exception to the bidding requirements found in Public Purchasing Code.

5. **Dollar Limitations of Use**

- 5.1 The purchase limit is \$500,000 per fiscal year (July - June) for the use of the Microsoft EPL without additional approval from ITS. If you are executing an Enterprise Agreement, the purchase limit is \$500,000 per three-year period before needing additional approval from ITS.
- 5.2 Projects costing in excess of \$500,000 are beyond the scope of this delegated process and subject to further ITS review and authorization. Authorization to exceed the EPL dollar limitation is described in the ITS Procurement Handbook under the *EPL Planned Purchase* process, Rule 207.7: 013-080. Below is the link to Procurement Handbook.
<http://www.its.ms.gov/Procurement/Documents/ISS%20Procurement%20Manual.pdf>
- 5.3 Projects costing in excess of \$3,000,000 are subject to ITS Board approval. A business case must be completed on all IT projects requiring ITS Board Approval. ITS has developed an IT Project Business Case Workbook to assist agencies in preparing the business case. Other advanced planning documentation such as a grant application might be substituted for the Business Case if it provides the necessary justification for the technology project. Please work with the IT Planning Coordinator at ITS to determine if the documentation may be substituted. Business case documentation may be found on the ITS website at <http://www.its.ms.gov/Services/Pages/Agency-IT-Planning.aspx>.

6. **Approved Vendors for Microsoft EPL 3736**

- 6.1 The following resellers were chosen through Request for Proposal 3736 to administer Microsoft software sales:
 - 6.1.1 CDW Government
 - 6.1.2 Dell Marketing L.P.
 - 6.1.3 SHI International
- 6.2 There is a separate instruction document for each awarded vendor. Each vendor's document contains the following information:
 - 6.2.1 What Microsoft products vendor is approved to sell
 - 6.2.2 How to obtain price quotes
 - 6.2.3 How to obtain Microsoft's base pricing for EA purchases
 - 6.2.4 Contact and ordering information
 - 6.2.5 Service and training rates

- 6.3 Each awarded vendor's document may be found on the Microsoft EPL page under the heading "Vendor Contact and Price Information". Here is a link to the page:
<http://www.its.ms.gov/Procurement/Pages/Microsoft.aspx>

7. **EPL Best Practices**

- 7.1 *Evaluate your technical needs.*
Work with the vendor(s) to verify which software license or maintenance versions best fit your needs. Microsoft can also help with this. If you have questions, contact one of the representatives below:

Government: Francesca McCann at Francesca.McCann@microsoft.com or (518) 669-4377 and Elena Rogachevsky at elroga@microsoft.com or (267) 474-6607

Academic: Courtney McAlexander at cpaulish@microsoft.com or (205) 475-1131

- 7.2 *Negotiate for best pricing.*
EPL pricing may be lowered but not raised. Check with the EPL vendor for availability and for quantity discounts.
- 7.3 *Consider life-cycle maintenance costs.*
Investigate the total life cycle cost, including maintenance costs and requirements. Some license agreements require the customer to purchase subsequent software maintenance. Be sure to ask the vendors if the license is perpetual or subscription based.
- 7.4 *Consider contracts.*
Each awarded vendor has signed a Master Purchase Agreement with ITS. The purchase order from any individual customer will serve as a supplement to these agreements. You may request a copy of a vendor's Master Agreement from the vendor or from ITS. Additionally, you may request a copy of the underlying agreement between ITS and Microsoft if needed. Additional terms and conditions may be negotiated between the customer and vendor at the time of sale, as needed, as a supplement to the Master Agreement.

8. **Obtain Quotations and Select Lowest and Best**

Customers must obtain pricing from two or more EPL vendors by using one of the following methods:

- 8.1 *Vendor's EPL Website Method:*
- 8.1.1 Customers may choose to use the vendor's special Mississippi EPL Website for Microsoft to get quotes for products approved under EPL 3736.
- 8.1.2 Print out the pages from the Microsoft EPL Website for the products you are purchasing and keep them in your procurement file.

8.1.3 Website pricing is not-to-exceed. If you are making a quantity purchase, check with the vendor to see if lower pricing is available.

8.1.4 Some products cannot be published on the Microsoft EPL Websites. If you cannot find the product or license agreement pricing you need on the vendor's Microsoft EPL Website, follow the written quote method.

8.2 *Written Quotation Method:*

8.2.1 Written quotations may be provided in the form of a fax or e-mail.

8.2.2 It is the customer's responsibility to alert the vendor the customer is using the Microsoft EPL as the purchasing mechanism. The vendor must reference the EPL on any quotation provided.

8.2.3 All quotations must adhere to the following:

8.2.3.1 A reference to "Microsoft EPL 3736" must be printed on the quotation.

8.2.3.2 Quotations may only include Microsoft software and associated hourly service fees.

8.2.4 If you were able to locate the products using the vendor's Microsoft EPL Website, verify that the pricing quoted is the same or lower than the website price.

8.2.5 If the products you are purchasing are not shown on the vendor's Microsoft EPL Website, you will need to ask the vendor to complete a copy of the Vendor Pricing Confirmation Form (Page 10 of this Memo). Alternately, the vendor may provide you with a statement via email affirming their quotation honors the pricing percentages provided in the vendor's response to Microsoft EPL RFP 3736.

8.3 It is the customer's responsibility to alert the vendor if the customer is using the Microsoft EPL as the purchasing mechanism. The vendor must reference the EPL on any quotation provided.

8.4 Select the lowest cost quotation that meets your requirements.

8.4.1 Customers should choose "lowest and best" vendor based predominantly on cost but may also consider such factors as technical evaluation, installation services, qualifications of proposed staff, and previous history with the vendor.

8.4.2 Quotations for the same software must be identical in terms of items and quantities purchased.

9. **Special Instructions for Enterprise Agreement (EA) and Select Plus Academic Purchases**

PURCHASES MADE FROM THIS LIST MAY NOT EXCEED \$500,000 PER PROJECT.

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Pricing on this list expires 1/7/2022.

Customer MUST obtain pricing from two ITS Microsoft EPL vendors. Any projects over \$500,000 are beyond the scope of this process and subject to further ITS review and authorization.

9.1 *Academic Select Plus Affiliate Registration Form*

Each customer is encouraged to fill out a separate “Select Plus Affiliate Registration Form.” Request the form from your chosen EPL 3736 vendor. You will be able to easily track your licenses, product keys, and software assurance benefits. By registering through one of the approved EPL vendors, many of the minimum requirements for a separate registration are waived giving you the benefit of the state price. Some registered affiliates may also be eligible to receive a CD/DVD update kit periodically until the end of the Select License agreement.

9.2 *Three-Year Commitment for EAs and Select Plus Software Assurance*

In the case of an Enterprise Agreement, or when an initial three-year commitment is made for Software Assurance under Select Plus, it is not required that the customer continue to solicit quotations among EPL Vendors after year one of the three-year EA or SA term.

9.3 *No New Products on Enterprise Agreements after Vendor is Selected*

Competitive quotes are not obtained during the three-year term of an EA. Therefore, new products may not be added to an EA after the “lowest and best” quote is selected at the beginning of the three-year term, with the following exceptions:

9.3.1 The product being added is a direct replacement for a product currently on your EA, and the current product is no longer available.

9.3.2 The new product is the result of a Microsoft licensing model change. For example, at the beginning of your EA, Microsoft licenses a product by seat and in Year 2, begins licensing the product by core instead.

9.4 *Do Not Mix True-Up Licenses with New Products*

When purchasing true-up licenses, do not include any other products on your purchase order. If you need to purchase additional products when purchasing true-up licenses, you should issue a separate purchase order for those products.

10. **Non-EPL Items**

Approved Microsoft EPL vendors may also sell other software and hardware that may appear on their respective websites. Remember that this EPL only covers Microsoft software. Any other items ordered from an approved Microsoft EPL vendor must be purchased using alternative procurement methods.

11. **Place Your Order**

11.1 Place EPL orders directly with the approved EPL vendors.

11.2 Confirm your order with the vendor and issue appropriate purchase orders:

11.2.1 Reference MICROSOFT EPL 3736 on your purchase order.

11.2.2 The purchase order and quote should match in terms of items purchased, quantities purchased, and total amount.

11.3 Shipping costs are included as part of the purchase price.

12. Mississippi's Accountability System for Government Information and Collaboration (MAGIC)

12.1 State agency customers are required to purchase through Mississippi's Accountability System for Government Information and Collaboration (MAGIC).

12.2 The contract number and the vendor's supplier number are provided with the ordering information for each vendor.

12.3 State agency customers will be required to use NIGP codes when purchasing through Mississippi's Accountability System for Government Information and Collaboration (MAGIC). The following NIGP codes will be used for products purchased using the Microsoft EPL:

NIGP Code:	Use For:
20811	Application Software, Microcomputer
20880	Software, Microcomputer (Not Otherwise Classified)
92045	Software Maintenance/Support
92046	Software Updating Services
92007	Computer Services, Application Software

12.4 The following must be uploaded to MAGIC as attachments to your Purchase Order for Microsoft EPL purchases:

12.4.1 Quotations from at least two EPL vendors.
(For EA True-Up purchases or Select Plus Software Assurance Years 2 and 3, only one quote is required.)

12.4.2 One of the following:

12.4.2.1 Printout from vendor's Microsoft EPL 3736 website showing the products being purchased.

12.4.2.2 Completed Vendor Pricing Confirmation Form. (Page 10 of this Memo)

12.4.2.3 E-mail from vendor affirming their quotation honors the pricing percentages provided in their response to Microsoft RFP EPL 3736.

12.4.3 A copy of this Instructions for Use Memorandum.

12.4.4 If the purchase is related to a project that is a part of the Agency's IT Plan, a copy of the related approved planning form from the ITS planning system.

12.4.5 Please note that if MAGIC routes your Purchase Order to ITS for approval, ITS will vet the information provided and may have additional

PURCHASES MADE FROM THIS LIST MAY NOT EXCEED \$500,000 PER PROJECT.

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requirements before approving your Purchase Order. Any deviation from this Instructions for Use Memorandum may result in delays in the approval of your purchase.

13. **EPL Audit Integrity**

It is the responsibility of every customer using the EPL to maintain proper records to reflect that all procurements from the EPL are made in accordance with ITS policies and procedures.

13.1 What Goes in Your Purchase/Audit File?

Make sure you provide adequate documentation that you followed the recommendations and directives in this Instructions for Use Memorandum. At a minimum, include:

13.1.1 A copy of the purchase order.

13.1.2 Copies of all quotations received.

13.1.3 One of the following:

13.1.3.1 Printout from vendor's Microsoft EPL 3736 website showing the products being purchased.

13.1.3.2 Completed Vendor Pricing Confirmation Form. (Page 10 of this Memo)

13.1.3.3 E-mail from vendor affirming their quotation honors the pricing percentages provided in their response to Microsoft EPL RFP 3736.

13.1.4 A copy of this Instructions for Use Memorandum.

13.1.5 A copy of the vendor's document found on the main Microsoft EPL page.

13.1.6 If the purchase is related to a project that is part of the Agency's IT Plan, a copy of the related approved planning form from the ITS planning system.

13.1.7 Any additional project related documentation or justification.

14. **American Recovery and Reinvestment Act (ARRA) of 2009**

14.1 ITS believes the EPLs are valid purchase instruments for the use of ARRA funds.

14.2 We recommend that customers complete the following steps when purchasing from EPLs with ARRA funds:

14.2.1 Obtain written quotations from multiple EPL sellers if applicable

- 14.2.2 Ensure the quotations state that ARRA funds will be used for the purchase
- 14.2.3 All quotations should be maintained in the purchase file
- 14.3 ITS EPLs are established based on sealed proposals submitted by vendors in response to RFPs advertised in accordance with all state statutory requirements for legal procurements of IT products. The EPL RFPs were advertised both in a newspaper with statewide circulation and on the Mississippi Development Authority (MDA) [Mississippi Contract Procurement Center \(mscpc.com\)](http://mscpc.com) website. Advertisements exceeded the minimum timeframes required for ARRA purchases. Proposals received in response to these RFPs were evaluated, awarded, and published for the use of any public entity in the state in accordance with the Instructions for Use published by ITS.
- 14.4 Each vendor has a designation in their contact information as to whether or not they are an ARRA participant. Those vendors noted as ARRA participants have agreed to work with EPL customers to fulfill purchases that are funded by ARRA. The Master Agreement for these vendors includes conditions pertaining specifically to ARRA purchases.

15. **To Report Problems or Request Assistance**

- 15.1 If you have any feedback that may help us to improve this process, or if you have any problems with your EPL order, please let ITS know. We suggest you notify the vendor of the problem in writing and send a copy to ITS. You may contact us in writing by one of the following ways:
 - 15.1.1 E-mail: sshhelp@its.ms.gov
 - 15.1.2 FAX: (601) 713-6380
 - 15.1.3 Mail: ITS, 3771 Eastwood Drive, Jackson, MS 39211
- 15.2 If you have questions about using the EPL, please contact the Procurement Help Desk at (601) 432-8166 or sshhelp@its.ms.gov.
- 15.3 ITS is also available to host a “mini-class” on how to use our EPLs at a customer’s request. Please contact the Procurement Help Desk if interested.

Copies of this document are available on the Internet at
<http://www.its.ms.gov/Procurement/Pages/Microsoft.aspx>

Microsoft EPL 3736 – Instructions for Use

Vendor Pricing Confirmation Form

If pricing cannot be obtained using the vendor's Microsoft EPL 3736 website, customer should request that the vendor provide a completed copy of this form. Alternately, vendor may provide an e-mail to the customer affirming that the quoted pricing honors their response to RFP 3736.

I confirm that the pricing provided on the attached quotation honors the cost plus or minus percentages provided in our response to RFP 3736.			
Company Name:		Quote Number:	
Representative's Signature:		Quote Date:	
Printed Name:		All quotations provided under this EPL MUST reference "Microsoft EPL 3736."	

Microsoft Purchasing Program	CDW-G	Dell	SHI
Vendor Pricing Basis from RFP 3736 Response	Microsoft Estimated Retail Price (ERP) MINUS %	Dell Cost* PLUS %	SHI Cost* PLUS %
		*Vendor cost may vary.	
Government Select Plus	16.50%	2%	1.5%
Academic Select Plus	15.50%	2%	1.5%
Enterprise Agreement	17.50%	2%	1%
Campus Agreement/EES Agreement	17.25%	2%	1%
School Agreement	17.25%	2%	1%
Govt Open License	8.10%	2%	1%
Academic Open License	14.30%	2%	1.5%
Shinkwrap	8.00%	2%	1.5%
Media Kits	8.00%	10%	1%
Documentation	8.00%	10%	1%

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